

O

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11	LIONS GATE ENTERTAINMENT)	Case No. CV 15-05024 DDP (Ex)
12	INC., a Delaware)	
12	corporation,)	ORDER GRANTING PLAINTIFF'S EX
13)	PARTE MOTION TO EXTEND TIME TO
13	Plaintiff,)	FILE RESPONSE TO COMPLAINT
14)	
14	v.)	[Dkt. No. 14.]
15	TD AMERITRADE HOLDING)	
16	CORPORATION, a Delaware)	
16	corporation; TD AMERITRADE)	
17	SERVICES COMPANY, INC., a)	
17	Delaware corporation; HAVAS)	
18	WORLDWIDE NEW YORK, INC., a)	
18	Delaware corporation,)	
19)	
19	Defendants.)	
20	_____)	

On June 26, 2015, Defendants filed a declaratory judgment action in the United States District Court for the Southern District of New York. (Ex Parte Appl. at 4.) On July 2, 2015, Plaintiff filed a complaint in the United States District Court for the Central District of California. (Id at 5.) In response to the complaint in the New York case, Plaintiff's attorney's filed a motion to dismiss, or in the alternative, to transfer venue to Central District of California. (Id.) Defendants filed an amended

1 complaint, and Plaintiff renewed the motion to dismiss during a
2 conference in the Southern District of New York with District Judge
3 Katherine B. Forrest on July 29, 2015. (Id.) Judge Forrest has
4 told the parties she will deliver a ruling on the plaintiff's
5 motion by September 21, 2015. (Id.) Defendant filed an ex parte
6 application with this Court to extend the time to respond to
7 Plaintiff's California complaint to 14 days after Judge Forrest
8 rules on the pending motion to dismiss. (Id. at 6.)

9 Pursuant to Local Rule 7.19, the attorney making the ex parte
10 application must make a reasonable, good faith effort to notify all
11 other parties of the date and substance, if known, of the ex parte
12 application, and must also advise the court of efforts to contact
13 other counsel and whether other counsel opposes the application.
14 Here, although they did not end up communicating directly,
15 Defendant's attorney made reasonable efforts to contact plaintiff's
16 counsel regarding the subject of an extension and notified the
17 Court of counsel's opposition. (Appl. at 6.)

18 Because the content of Defendants' answer or other response to
19 the complaint will presumably mirror or incorporate the arguments
20 currently before the New York court if that case is dismissed or
21 transferred here, it is logical to wait until after that court
22 rules on Plaintiff's motion before requiring a responsive pleading
23 here. Defendants must submit their responsive filing no later than
24 14 days after the date of the order ruling on the pending motion to
25 dismiss in the Southern District of New York case.

26 IT IS SO ORDERED.

27 Dated: August 21, 2015


DEAN D. PREGERSON
United States District Judge